

JUN. 7.2004

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PEPPER HAMILTON LLP

NO. 343

P.7/12

JUN 07 2004

Docket No.: 122467.701

PATENT

## DECLARATION AND POWER OF ATTORNEY

*As below named inventor(s), each person signing this document hereby declare(s) that:*

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled SYSTEMS AND METHODS FOR TESTING OVER A DISTRIBUTED NETWORK, the specification of which [ ] is attached hereto OR [X] was filed on Nov. 13, 2003, as Application Serial No. 10/712,938

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s):**

| <u>Number</u> | <u>Country</u> | <u>Date Filed</u> | <u>Priority Claimed</u> |
|---------------|----------------|-------------------|-------------------------|
|---------------|----------------|-------------------|-------------------------|

Yes

No

I hereby claim the benefit under 35 USC Section 119(e) of any United States provisional application(s) listed below.

**Prior Provisional Application(s):**

| <u>Number</u> | <u>Date Filed</u> |
|---------------|-------------------|
|---------------|-------------------|

60/425,740                    November 13, 2002

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

| <u>Number</u> | <u>Date Filed</u> | <u>Status:</u> |
|---------------|-------------------|----------------|
|---------------|-------------------|----------------|

Patented, Pending, Abandoned



JUN 7.2004 1:09PM PEPPER HAMILTON LLP

NO. 343 P. 8/12

Docket No.: 122467.701

PATENT

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby grant(s) the firm of **PEPPER HAMILTON LLP** the power to insert on this Declaration any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

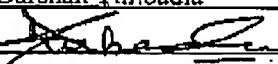
I hereby appoint the following attorneys and/or agents:

|                   |                  |                   |                 |
|-------------------|------------------|-------------------|-----------------|
| Raymond A. Miller | Reg. No. 42,891  | Joseph Melnik     | Reg. No. 48,741 |
| James M. Singer   | Reg. No. 45,111  | John W. Ongman    | Reg. No. 48,535 |
| Kathleen Johnson  | Reg. No.: 51,852 | John Pillion      | Reg. No. 52,122 |
| Carissa Tener     | Reg. No. 52,278  | Joseph T. Helmsen | 54,163          |

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to the address at the aforementioned customer number. with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to the attention of attorney **W. Joseph Melnik** at:

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Docket No.: 122467.701

PATENT

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Docket No.: 122467.701

PATENT

Full name of inventor: Ken BergerInventor's Signature: Date:Residence: 3 North Shore Court, Skillman, NJ 08558Citizenship: U.S.A.Post Office Address: 3 North Shore Court, Skillman, NJ 08558